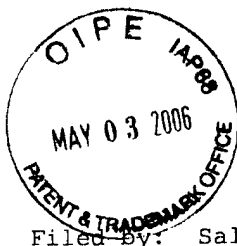


ATTORNEY DOCKET No. 14014.0025US
Application No. 07/110,791

EXHIBIT 3



The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 100

Filed By: Sally Gardner-Lane
Administrative Patent Judge
Box Interference
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14014.3122 US

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

C. RICHTER KING,
MATTHIAS H. KRAUS, and STUART A. AARONSON,

Junior Party
(Application 07/110,791)

v.

DENNIS J. SLAMON,
WILLIAM L. MCGUIRE, and AXEL ULLRICH,

Senior Party
(Patent 4,968,603)

Patent Interference No. 104,519

ORDER REDECLARING INTERFERENCE
(37 CFR § 1.611)

In view of the decision on preliminary motions (Paper 99) entered in the above identified interference, the interference will be redeclared.

RECEIVED

AUG 22 2001

NEEDLE & ROSENBERG

MAILED

AUG 21 2001

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

It is

ORDERED that the interference is redeclared as follows:

1. Count 2¹, set forth below, is substituted for Count 1 (material deleted from count 1 is stricken out).

Count 2

A method according to claim 1, 7, or 17 of Slamon (4,968,603)

or

A method according to claim 44, ~~60, 61,~~ or 62 of King (07/110,791).

2. The claims of the parties are:

Slamon: 1-22

King: 44, 46, 47, and 60-62

The claims of the parties which correspond to Count 2 are:

Slamon: 1-22

King: 44, 46, 47, and 62

The claims of the parties which do not correspond to Count 2 are:

Slamon: none

King: 60 and 61

¹ Count 2 is the same as proposed count A of Slamon preliminary motion 1 (Paper 31).


5. Slamon is accorded no benefit for the purpose of priority as to count 2.

6. King is accorded no benefit for the purpose of priority as to count 2.

FURTHER ORDERED that, to the extent applicable, the procedures set forth in the attached STANDING ORDER are in effect for the remainder of the interference;

FURTHER ORDERED that the caption of papers filed in the remainder of the interference shall be the caption on this ORDER;

FURTHER ORDERED that within 10 (ten) days of the date of this ORDER, each party shall either: (1) file a statement indicating that it is relying on the preliminary statement it has already filed in the interference for the subject matter of count 2 or (2) file a new preliminary statement for the subject matter of count 2;


Sally Gardner-Lane
Administrative Patent Judge

Date _____
Arlington, VA

Enc: Copy of STANDING ORDER

cc (via Federal Express):

Counsel for Slamon (real parties in interest:

1. The Regents of the University of California (licensee, Bayer Corp.)
2. The Regents for the University of Texas System (licensee, ~~—~~ Ventana Medical Systems)
3. Genentech)

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